

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

National Association for the Advancement of  
Colored People, Inc. by and through its Myrtle  
Beach Branch, Simuel Jones, Leslie Stevenson,  
and Cedric Stevenson,

Plaintiffs,

v.

City of Myrtle Beach, a municipal corporation  
within the State of South Carolina and City of  
Myrtle Beach Police Department, a department  
of the City of Myrtle Beach,

Defendants.

C.A. NO. 4:18-CV-00554-AMQ

**DEFENDANTS' RESPONSES TO LOCAL  
RULE 26.03(A) INTERROGATORIES**

Pursuant to Local Rule 26.03(A), D.S.C., Defendants City of Myrtle Beach and City of Myrtle Beach Police Department ("Defendants") report the following:

**1. A short statement of the facts of the case:**

Since 2015, the City of Myrtle Beach, in cooperation with other municipalities and government agencies, has operated under safety plans authorized by the Bikefest Task Force ("BTF") to regulate an unpermitted event called Memorial Bike Week and/or Black Bike Week. Memorial Bike Week occurs every year over Memorial Day Weekend throughout Horry County. The purpose of the BTF is to provide public safety during Memorial Bike Week.

In its pursuit of public safety, the BTF has implemented various law enforcement techniques including, among other things, a one-way, 23.1 mile traffic loop, which takes traffic down Ocean Boulevard, outside the City's limits into Horry County, and then back into the City. This traffic loop is in place over Memorial Day Weekend from 10:00pm to 2:00am for Friday, Saturday, and Sunday nights. The BTF also utilizes additional officers from several police agencies across the state to help regulate Memorial Bike Week.

The BTF's law enforcement measures were implemented after the 2014 Memorial Bike Week. During that event, multiple shootings and other public safety emergencies occurred throughout the City, and law enforcement and medical personnel's ability to respond to those emergencies were impaired by, among other things, the lack of an open emergency traffic lane on Ocean Boulevard and a large number of pedestrians in the roadways.

Plaintiffs allege the City's law enforcement measures for Memorial Bike Week differ from law enforcement measures taken during the Harley-Davidson Spring Rally. Plaintiffs allege

Memorial Bike Week's attendees are predominantly African-American, and the Harley-Davidson Spring Rally's attendees are predominantly white. This difference in enforcement, according to Plaintiffs, violates various constitutional rights and federal statutes.

The facts in the lawsuit are sharply disputed by the parties.

**2. The names of fact witnesses likely to be called by the party and a brief summary of their expected testimony:**

***Defendant Witnesses:***

- 1) Chief Amy Prock is the Police Chief for the Myrtle Beach Police Department and is expected to testify about her involvement in the law enforcement measures taken during Memorial Day Weekend.
- 2) Capt. Joey Crosby is a Captain in the Myrtle Beach Police Department and is expected to testify about his involvement in the law enforcement measures taken during Memorial Day Weekend.
- 3) John Pedersen is the City Manager for Myrtle Beach and is expected to testify about his involvement in the planning and implementation of the law enforcement measures taken during Memorial Day Weekend.
- 4) Cathie Rhodes is a police officer with the Myrtle Beach Police Department and is expected to testify about her involvement in gathering data on the law enforcement measures taken during Memorial Day Weekend.
- 5) Randy Webster is the Chairman of the Bikefest Task Force and Director of Emergency Management for Horry County. He is expected to testify about his involvement in the law enforcement measures taken during Memorial Day Weekend.
- 6) Renee Hardwick is the Director for the Horry County Emergency 911 Dispatch and is expected to testify about her involvement in gathering data on fire and rescue operations during previous Memorial Day Weekends.
- 7) Ken Holoman is from Myrtle Beach, South Carolina and regular attendee of Memorial Bike Week. He is expected to testify about his experiences during previous Memorial Bike Weeks.
- 8) Phil Schoonover is the owner and manager of Myrtle Beach Harley-Davidson. He is expected to testify about the Harley-Davidson Spring Rally in Myrtle Beach and Horry County.
- 9) Sharon McCants is Myrtle Beach, South Carolina. She is expected to testify about her experiences during previous Memorial Bike Weeks and the Harley-Davidson Spring Rally.

10) Veronica Gilliard is from Myrtle Beach, South Carolina and regular attendee of Memorial Bike Week. She is expected to testify about her experiences during previous Memorial Bike Weeks and the Harley-Davidson Spring Rally.

11) Victor Shamah is from Myrtle Beach, South Carolina and the owner of the Bowery, a restaurant and bar in downtown Myrtle Beach. He is expected to testify about the Harley-Davidson Spring Rally in Myrtle Beach and Horry County.

12) Violet Lucas is from Myrtle Beach, South Carolina and regular attendee of the Memorial Day Bikefest. She is expected to testify about her experiences during previous Memorial Bike Weeks.

13) Cornilla Simpson is from Myrtle Beach, South Carolina. She is expected to testify about her experiences during previous Memorial Bike Weeks and the Harley-Davidson Spring Rally.

Defendants reserve the right to name other witnesses as they become known.

***Plaintiffs' Witnesses***

1) Simuel Jones is from Chicago, Illinois and a Plaintiff in the instant lawsuit. He is expected to testify about his experiences during previous Memorial Bike Weeks.

2) Cedric Stevenson is from Suwanee, Georgia and a Plaintiff in the instant lawsuit. He is expected to testify about his experiences during previous Memorial Bike Weeks.

3) Leslie Stevenson is from Suwanee, Georgia and a Plaintiff in the instant lawsuit. She is expected to testify about her experiences during previous Memorial Bike Weeks.

4) Chief Mitchell W. Brown is a former police chief for the Raleigh, North Carolina Police Department and a retained expert for the Plaintiffs. He is expected to testify about his opinions of the law enforcement measures taken during Memorial Bike Week.

5) Dr. David B. Clark is the Executive Director of the University of Tennessee, Knoxville Center for Transportation Research and a retained expert for the Plaintiffs. He is expected to testify about his opinions of the traffic regulations made during Memorial Bike Week.

6) Mickey James is the President of the Myrtle Beach Chapter of the NAACP. He is expected to testify about the NAACP's involvement with the City of Myrtle Beach and his observations during previous Memorial Bike Weeks.

7) Lewis Clark is from Rocky Mount, North Carolina and is expected to testify about his experiences during previous Memorial Bike Weeks and the Harley-Davidson Spring Rally.

8) Randolph Anderson is from Lawrenceville, Georgia and is expected to testify about his experiences during previous Memorial Bike Weeks.

9) Novice Briggs is from Orangeburg, South Carolina and is expected to testify about her experiences during previous Memorial Bike Weeks

10) Kenneth Coleman is from Richmond, Virginia and is expected to testify about his experiences during previous Memorial Bike Weeks.

11) Larry Graham is from Angier, North Carolina and is expected to testify about his experiences during previous Memorial Bike Weeks.

12) Patrice Johnson is from North Carolina and is expected to testify about her experiences during previous Memorial Bike Weeks.

13) Natalie Litsey used to own Natalia's Bar and Grill and is expected to testify about her experiences as a business owner in Myrtle Beach.

14) Alexandra Stewart is from Myrtle Beach, South Carolina and is expected to testify about her experiences during previous Memorial Bike Weeks.

15) Raimyia Wheeler is from Wilmington, Delaware and is expected to testify about her experiences during previous Memorial Bike Weeks.

16) William Booker is the former City Manager of Atlantic Beach, South Carolina and is expected to testify about his experiences as City Manager.

17) Joyce Frink is from Myrtle Beach, South Carolina and is expected to testify about her experiences during previous Memorial Bike Weeks.

18) Joseph Washington is from Myrtle Beach, South Carolina and a pastor at HOPE Church in Conway, South Carolina. He is expected to testify about his observations and experiences during previous Memorial Bike Weeks and the Harley-Davidson Spring Rally.

**3. The names and subject matter of expert witnesses (if no witnesses have been identified, the subject matter and field of expertise should be given as to experts likely to be offered):**

Defendants may name experts in the areas of law enforcement practices during large public events and traffic control.

**4. A summary of the claims or defenses with statutory and/or case citations supporting the same:**

**Defenses:**

1) Failure to state an actionable claim, Rule 12, FRCP;

2) Equitable defenses of laches, equitable estoppel, judicial estoppel, unclean hands, waiver, and the existence of adequate remedies at law; *Jones v. Barco, Inc.*, 250 S.C. 522, 159 S.E.2d 279 (1968); 26 S.C. Jur. Limitation of Actions § 34;

3) Plaintiffs' lack of standing; *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992);

4) Statute of limitations as to Plaintiffs' claims; S.C. Code Ann. § 15-3-530;

5) Ripeness; *Nat'l Park Hosp. Ass'n v. Dep't of Interior*, 538 U.S. 803, 123 S. Ct. 2026, 155 L. Ed. 2d 1017 (2003).

Defendants reserve the right to raise other defenses at a later time.

**5. Absent special instructions from the assigned judge, the parties shall propose dates for the following deadlines listed in Local Civil Rule 16.02:**

**(a) Exchange of Fed. R. Civ. P. 26(a) (2) expert disclosures; and**

See parties' proposed scheduling order.

**(b) Completion of discovery.**

See parties' proposed scheduling order.

**6. The parties shall inform the Court whether there are any special circumstances which would affect the time frames applied in preparing the scheduling order.**

There are no special circumstances.

**7. The parties shall provide any additional information requested in the Pre Scheduling Order (Local Civil Rule 16.01) or otherwise requested by the assigned judge.**

There is no additional information requested at this time.

By: s/James R. Battle

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